

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHELE SPENCE, et al.,

Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION,

Defendant.

No. C 11-04961 JSW

**ORDER TO SHOW CAUSE AND
VACATING HEARING ON
MOTION TO DISMISS**

On November 16, 2011, Defendant filed a motion to dismiss, which is noticed for hearing on January 6, 2012. Under the Northern District Local Rules, Plaintiffs' opposition brief was due on November 30, 2011, and Defendant's reply was due on December 7, 2011. Plaintiffs have not filed an opposition brief, and they have not filed a statement of non-opposition. The Court is aware that this case may be part of a pending proceeding before the Judicial Panel on Multidistrict Litigation, in which a motion to transfer is pending. The parties, however, have not taken any action before this Court to stay this action pending resolution of that motion.

Accordingly, Plaintiffs are HEREBY ORDERED TO SHOW CAUSE why the Defendants' motion should not be granted as unopposed. Plaintiffs' response to this Order to Show Cause shall be due by no later than December 21, 2011. If Plaintiffs seek to file a belated opposition to Defendant's motion, or if they seek to have the Court defer ruling on the motion, they must file a request demonstrating good cause for their failure to comply with the deadlines set by the Northern District Civil Local Rules and shall include a proposed opposition brief with

1 their request. Any such request also must be filed with the Court by no later than December 21,
2 2011.

3 The hearing scheduled for January 6, 2012 is VACATED pending further order of the
4 Court. If Plaintiffs seek to file a belated opposition, and if the Court finds good cause to grant
5 that request, it shall issue an order setting a deadline for Defendant to file its reply, and it shall
6 reset the hearing date.

7 If the parties are able to reach a stipulation regarding the pending motion to dismiss
8 prior to December 21, 2011, the Court shall discharge this Order to Show Cause without further
9 action.

10 **IT IS SO ORDERED.**

11
12 Dated: December 14, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE